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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Muller *et al.*

Application No: 10/622,618

Group Art Unit: 1626

Filed: July 17, 2003

Examiner: R. Anderson

For: Novel Immunotherapeutic Agent

Attorney Docket No.: 9516-200

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed May 19, 2004, in which the above-captioned application was examined for restriction purposes only. Applicants respectfully request consideration and entry of the following remarks and provisional election in the file of the application.

REMARKS

In the Office Action, the Examiner requires that this application be restricted to one of two groups of claims. Applicants provisionally elect, with traverse, Group I (claims 1-7, 12, 16-18, 23, 27-29, 34, and 38-40), but as discussed below, respectfully request that claims in Group II be also examined in this application.

Applicants respectfully submit that a single search directed to a compound of formula I would necessarily encompass all of the claims in Groups I and II. For this reason, it is believed that the examination of Groups I-V would not impose an unreasonable burden on the Examiner. See Manual of Patent Examining Procedure, §803.01. Therefore, Applicants respectfully request that the restriction requirement be withdrawn.


With regard to the requirement of single species election, Applicants provisionally elect 3-(3,4-dimethoxy phenyl)-3-(3',5'-dimethoxyphenyl)acrylonitrile.

This compound corresponds to a compound of formula (I), wherein: R_1 is CH_3 ; X is -O-; R_2 is CH_3O ; and R_3 is phenyl substituted with two CH_3O groups.

No fee is believed to be due for this submission. Should any fees be required, however, please charge such fees to Jones Day Deposit Account No. 503013.

Respectfully Submitted,

Date: June 21, 2004


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